

Certifying Agent Accreditation and Equivalency to Imported Products

The Organic Foods Production Act of 1990 (OFPA) directs the U.S. Department of Agriculture (USDA) to accredit certifying agents so they can certify that producers and handlers representing their products as organic have complied with USDA regulations.

USDA's accreditation program establishes requirements an applicant must meet in order to become an accredited organic certifying agent, and procedures and requirements to maintain accreditation. The program is designed to ensure that all organic certifying agents act consistently and impartially. There are nearly 50 private and State organic certification programs in the United States, some of which have existed for 20 years or more.

Applicants for accreditation must:

Employ personnel, including inspectors, who have sufficient experience and training in organic production and handling to carry out certification activities.

Demonstrate their ability to certify organic producers and/or handlers; maintain proper records; adequately communicate with producers, handlers, and the public; and communicate with USDA about decisions made.

Prevent conflicts of interest and maintain strict confidentiality.

Applicants granted accreditation must conduct annual performance appraisals of their inspectors and other personnel involved in the certification process, and have an annual program evaluation of their certification activities.

Accreditation process

Certifying agents will apply for accreditation to the Administrator of the Agricultural Marketing Service. Applicants will sign and return a statement of agreement prepared by the Administrator. USDA will evaluate the application to ensure that the certifying agent can comply with the NOP requirements, including a site evaluation at the applicant's place of business. The site evaluator's report will be reviewed by USDA staff. A peer review panel will annually evaluate the NOP's accreditation decisions and

adherence to accreditation procedures. Accreditation will be for 5 years. Applications for renewal of accreditation are due 6 months prior to expiration of the accreditation. Certifying agents will submit to USDA annual updates on their certification activities. USDA will conduct one or more site evaluations during the period of accreditation to determine compliance with the OFPA and NOP regulations.

Equivalency of imported products

The OFPA requires USDA to review the certification programs under which imported organic products are produced to ensure that they meet the requirements of the National Organic Program (NOP). Certifying agents operating in foreign countries may apply for USDA accreditation. Foreign applicants will be evaluated based on the same criteria as domestic certifying agents.

In lieu of USDA accreditation, a foreign certifying agent may:

Receive recognition when USDA has determined, upon the request of a foreign government, that the foreign certifying agent's government authority is able to assess and accredit certifying agents as meeting the requirements of the NOP; or

Receive recognition as meeting requirements equivalent to the requirements of the NOP under an equivalency agreement negotiated between the United States and the foreign government.

Once accreditation or recognition is granted, organic product produced under the oversight of the certifying agent or foreign government will be eligible to be imported into this country and labeled as organic.

October 2002